/107 cont./

312 séguias contrived at mid-flank of the left bank will then have their full use. And not only the Talh'archt, whose intake, however, dominates Tuz'z'umt. It is indeed still higher, at Imi n-tghli, by way of the Targa n-berdun, that the people downstream are obliged to make the water pass. At Imi n-tghli, in fact, the utilizers observe -- a phenomenon doubtlessly related to the cessation of the primary soils -- a sudden loss, which no longer permits entrusting the waters to their natural bed. Thus it is only thanks to a series of works of art that, in the case of drought, far away in the Ud Bessebâ^{c} plain, the fellah of the Sa^{c}ldat or of the Ud Sawla can benefit from the rains falling on the distant Idma or in the more distant Taddert. And it happens only by making them cross, by the precious gift, the territory of several tribes. Veritable geographic concert! An organization of the space, of a space studded with rival centers, masters the difficulties caused by the long-term management of the waters. But that insofar as a certain atmosphere exists. Now, this is not always the case, even among contributors. The Idma of Taselli
312 depend for their séguia on the a. H'adduyws, who control its in-
578 take. Hence continuous conflicts. Even between Idma, the enormous séguia of the Amerdul, which the stream takes twelve hours to travel, has no longer been the object of any attack on the part of the people of Tasa since an agreement at the beginning of the eighteenth century. But its distribution still causes numerous conflicts between the villages of Usikis, Ad'erd'ur, and Wanchkrir. On the whole, however, the system has held.

624 The administration necessitates complicated and sometimes
312 extremely delicate surveillance. It is a functionary who performs it, the amazzal, plur. imazzalen, or "runner" (cf. ar. /Arabic/ jerrây). The fulfillment of such a role requires initiative and integrity, but it especially requires that a collective order, made of unwritten laws, work. The personage who assumes it is in general subject to the unanimous designation of his fellow citizens and can stay, even though upheld by the temporal authority, only with their confidence. A very old order, with

624 /107 cont./
312 immediate sanctions, and calling for its /108/ own application, without discussion or appeal (1),

[191] 1. J. Costa, Colectivismo agrario in España /Agrarian collectivism in Spain/, 1915, pp. 541 sq., also observes that the famous Water Tribunal of Valencia, the Cort de la Seo, is a very amicable jurisdiction. Conflict could, at any moment, be removed to a judiciary instance, but that never happened!

is glimpsed here. It sanctions a certain number of what we shall
624 call principles. For example, the upstream-downstream direc-
312 tion is the direction that governs the continuity of the irrigation,
578 and can, in case of conflicts between groups, give rise to au-
628 thoritarian application by the power. Thus the old legal dispute between Gedmiwa and Mez'ud'a, for the séguias of the asif el-Mâl. Such a rule implies on the part of the upstream irrigator, whom it favors, some discretion, community honor, care not to harm the people below. That generally suffices among fellow
628 citizens. It is the primary step. Beyond that, there are agree-
312 ments between groups. Most often, they manifest very old bal-
578 ances and a statutory constancy. But occasionally also they are more circumstantial: subject to mercenary debate or also to ritual
[754] proceedings. A part of the water is bought, unless it is obtained by the "injunction" of the âr (2).

2. Cf. E. Westermarck, Ritual and belief in Morocco, 1926, t. I, pp. 518 sq.

[648] This is what happened in a. Musa for the use of the water from Aduz, in Ud Besseba[c] for obtaining supplementary portions from the séguias of the Seksawa or the Dwiran. This is what happens generally at the time of the floods: the unforeseeability of a windfall determines modes of distribution that amply go beyond any strict regularity.

/156 cont./

312 423 624 A third method subordinates the irrigation to the evaluation of the amazzal, who judges in a discretionary manner the need that the crops feel for it. In a society of so contentious a spirit, one is surprised that such a method is possible and does not unleash inextinguishable litigations. There is none of that: there one is on a plane of rural order, prejuridical in a way.

/157/ /The rest of this section is in small type in the original source./ [178] It is according to this third procedure that the Talh'archt séguia, of the a. Abdella, was traditionally administered until an administrative reorganization intervened only a few years ago. The amazzal was chosen in the old family of the [173] a. L'anayt of Ilutjan, whose members still today occupy, on the knoll of Tigudar Ijjawn, facing the n-Lmakhzen agadir, places that tradition always connects with a "Caid 'Abdallah Sseksiwi," doubtless the king of the fourteenth century. These legendary persistences give an idea of the foundations of such a rural order and what forms its solidity.

[178] Indeed, the organization observed in a. Abdella is undoubtedly not a form of decadence. But rather, just as in a. Lh'sen, a form of amplification. These two taqbilt-s have surpassed the cantonal echelon. Consequently another rhythm governs them.

The Order of Irrigation As Document

312 423 178 [613] Moreover, where there is decadence, all the signs do not occur simultaneously any more than they affect in equal fashion the different orders of phenomena. In a. Abdella, despite the mobility of the landed life, the disaggregation of the milieu, and the absence of a water roster, a certain distribution of the ground among ikhs-s is still decipherable. As a general rule, however, the gentilitial rhythm of irrigation still exists, when the play of factors of change has distorted the order of the patrimonies. Nearly everywhere the turn for water reveals an old order.

This discordance between the evolution of landed property and the unchangeable cadre of the hydraulics, itself linked to the

/168 cont./

423 245 the tree is private property (our sector is not familiar with the collective argan tree). But the "harvest," azegg^{w}ay, is collective. Interesting organizations intervene at this time. If, on the landed plane, the orchard is divided into individual lots, the plantation coincides in general, and by great masses, with the part of an ikhs. But dispersion among "quarters" would produce, it is said, irremediable confusion at harvest time if the harvest were not done by collective bans. What is the explanation worth?

Let us take several examples:

245 476 184 [624] /The following paragraphs, up to the last one in this section, are in small type in the original source./ In a. Musa, the harvest of almonds is done quarter by quarter, within limits for which guardians, imchchurd'a, are responsible. The work is collective and echeloned. The almonds are put in a pile and then divided "by basket," s-taryalt, in proportion to individual rights, after the shares of the saints and the workers have been subtracted from the pile.

[613] In Imt'ddan, tetrapolis where the initial equilibrium of the ikhs-s is manifested by a nearly regular land-sampling on all the grounds, the harvest of almonds, done in common, gives rise to the laying of heaps of fruits (20, for example, for the almonds of Tagunit), which are then divided by basket among the ikhs-s and, within these, among those having rights.

In a. H'adduyws, except for recent trees, exploited individually, the whole orchard is harvested collectively and the fruit divided by basket, after, if it takes place, the removal of a fifth [624] for the work force. The imchchurd'a /169/ occasionally take turns on watch, as at the outlet of the ravine of Ikis, and thus have the harvest discipline respected.

In Haut Dwiran, the harvest is done by collective ban: one "ties" the valley, qqen. Then one "releases" it, rz'em, zone by [613] zone. The work is done "by echelonment," s-warrabo, among the ikhs-s, whose name here is arktun, plur. arktyun. The practice is likewise applied to the gathering of carobs, which are scattered on the ground in September, but no one is allowed to gather them.

/169 cont./

245 476 829 These different notes led me to group, with a view toward a general inquiry, the agricultural experts of the Seksawa, and here, just as it is, is the note that I took down from them.

[624] "The orchard is divided into sectors, and no one has the right to start gathering or beating before the opening of each one of them, which is announced by the imchchurd'a of the village, or by the jemâa, according to the classic procedure of the ban.

[613] "The fruits are then gathered by all those having rights to them and placed 'in piles,' s-igud'iwn. The number of these piles is equal to that of the ikhs-s: 12 for Fensu, 6 for Tasselli, etc. Then they are divided by basket among the heads of 'foyers,' takatin. Recent and individual plantations, purchases or antichreses are excluded from this mode of collective harvest.

"On the third of January, 1949, this description was confirmed by an ensemble of Seksawa cultivators representing the different fractions. Only the term 'family,' 'relatives,' aytma, tarwa n-âmmi, ulad el-âmm, was used by my interlocutors, to the exclusion of the word ikhs. The Imt'ddan custom was declared general. The sheik ᶜOmar noted the contradiction existing between this mode of exploitation of the trees and the one, entirely individualized, of the earth."

245 476 Thus nothing is missing from this note. Not even the analytical expression that those interested seek from it, or the surprise that it begins to cause for the most critical among them. In fact, contrasting with the individuation of the land law, the community technique of harvest can only surprise one. Sharp contrast with the Kabyle society. It is to be noted in fact that it is not just a matter of a harvest police ordering, as a security measure and in order to avoid marauding, simultaneity of action. Conventions of this sort [613] are observed at Moulay Indrîs of the Zerhoun. But here, individual distribution intervenes only on the echelon of the ikhs and ends at the collective pile of fruits. It is only a preamble, but a community one, and one cannot underestimate its value as indication or vestige. Even more than the gentilitial atmosphere in which it plunges, let us note the indivision of arboricultural techniques that it reveals. It ends up characterizing a system and a level.

[Bul^{c}wân]

/213 cont./

241 311 103 tgommi ufella, Talat l-lâin, Lh'arch n-a. Belh'ajj, Agellay n-Ali u Mançur, n-a. Benjâa, Talburt, Lh'arch n-Bihi u Sâîd. These quarters follow one another on the plane of earth that goes from the ighzer, "ravine," l-H'ed to the Ighzer n-Berka u ^{c}Ali. Downstream the following quarters follow one another: Agellay n-ait Sâid, Lh'ufert n-a. Bella, n-a. Chuh'u, n-a. Bihi Sâid, Ichkajen, a. L^{c}anayt. And one arrives at the route from the Dir.

311 312 Thus, then, we have, for about 30 hectares, 16 quarters of about 2 ha. each; thus, they are spacious. On the other hand, a very important matter -- they do not always correspond to "principal intakes," içdar, from the channel. The number of the latter is very high: 28 for only the section of the Talh'archt going from one ravine to another. From these intakes depart ditches, called lmçâref here. They serve, according to irregular lines, parcels that are irregular and situated at different levels of the [103] declivity. No correspondence between the irrigation technique and the toponymy.

312 178 [624] The distribution system for the water is new; it succeeds an older one, the origin of which cannot be stated precisely. Formerly, the Talh'archt was /214/ managed on the general plane of all the ait Âbdella that it serves (that is, in particular Tuz'z'umt and Ilutjan included) by an amazzel who would deliver the water according to the needs of such-and-such land. A choice necessarily arbitrary, and thus being possibly amenable to only two hypotheses: either a rigorous agrarian order, wiping out, in a functional unanimity, competition between individuals; or, on the contrary, authority of a chief replacing the village institution. We lean toward the first hypothesis. At a later time (control over the powers of the amghar by the Protectorate), this system was broken up, and the water distributed by "units," ferdiyat, according to a practice apparently widespread. The beneficiaries of these units were henceforth no more than territorial entities, such as Bul^{c}wân or Taqennurt, considered as villages. However that may be, the ground of Bul^{c}wân henceforth had at its disposal 2.5 [624] ferdiyat: that is, 30 hours. But it is necessary to note that under these reduced proportions and within these 30 hours, the

[Bul^{c}wân]

/214 cont./

312 178 [624] distribution was done neither according to ikhs nor according to groupings of parcels, but remained subject to the estimation of the amazzel. Neither gentilitial order nor topographic order, but, if one may say it, purely agricultural order, and subject to a troubling, or affecting, power of estimation. We again find there the incidence of political variations on the agrarian regime. Every time, the rising power judges irrational and reforms the previous practice. The amghar reacts against the community institution, and the modern administration against the amghar. But at each of these stages, a portion of the authentic organization survives. Although broken, and each time on a more modest plane.

103 The analysis of the names of the quarters provides still other indications.

First, one finds there the elements of a classification of the ground: the h'arch, "the aspre" /see p. 296/, on one hand, the h'ofra, "basin," on the other, with assignment of a part of the one and of the other to different subjects, which indeed appear as collective subjects: Ichkajjen, ait Bihi u Sâid. But the symmetry is limited to these two cases. What is more striking is that, out of 16 names, 11 express these vocations of appurtenance. The so-striking descriptive aspect of the names of quarters in the mountains is not found here, except for a fourth of the designations, which is not much.

It is difficult to conclude anything from such indications, except mixture and erosion. Nevertheless a look at the parceling of Bul^{c}wân, South part, appraisable at about 20 hectares, permits 794 184 supposing certain regularities. The fact that the great institution protective of the patrimonial immutability in the mountains, the habous /wakf/, is not found here is all the more suggestive. It is so rare in all the a. Abdella that its rare appearances in the upstream villages, such as Iminteghli or Ilutjan, do not truly enter into the mores. The mobilization of the lands thus does not clash with any juridical restraint.

/377 cont./
compose, there is no longer any recourse against it. If they do not come to an agreement, their imâm shall have the power to increase or diminish (the rate of the composition)." The act coupled to this consultation, and which is contemporaneous, mentions the division of an inçâf between the anflus (sic) of Tinwalin and Tamt'ddit and their jemâa-s.

In fact, this penal law is matched by a fiscal organization, which sustains it. According to a principle that has not yet been entirely abandoned in modern finance, the magistrate, and more frequently the "verbalisateur" /verbalizer, one who draws up an official report/, as we would say, benefits from the fine imposed, or seizes the object of the offense. Such is also, as has been seen, the retribution of the guardians of agricultural ban or imchchurd'a, whose name, formed from the Arabic root expressing the convention with /378/ clauses, clearly marks its character. But there is a great difference between this conduct and that of the moqaddem. The collectivity imposes interdiction on such-and-such a pasturage or such-and-such an orchard. Transgression authorizes, on the part of the communal agent, immediate capture: automatic application of a "prelaw," that being mixed with elements of noxal surrender. Such is the amchchard'o, the ancestor of the gamekeeper and village policeman. Much more complex is the role of the moqaddem. If in certain cases he too seems to reward himself from the flagrante delicto or "good take," most often he collects and keeps accounts of regulatory payments, only a portion of which comes back to him. Periodically he must give an accounting. Here is a typical document on this subject. It is, let us say, the end-of-year report of a manager of communal funds. Although drawn up in inadequate form, it can be summed up in columns of figures (1).

1. Abbreviations: m, mithqâl; o, uqiyya; mu, mûzûna; uj, waǰh; f, fals. These are nominal moneys.

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Shluh MW11

[For information on the servants, retainers and other personnel of the casbahs of the "great chiefs," see categories 631, 712, and 634.]

/219 cont./

632 621 [592] When the "mouda^{c}" made up of several hamlets is an active social unit, as happens in most of the valleys of the Haut-Atlas /High Atlas/, the heads of all the households in the hamlets that constitute it deliberate jointly in order to regulate the details of life. But if, according to common practice, the assembly is open to all the men married for a year, only the respected representatives of families, the heads of the "ikhs," make decisions in the name of all.

[554] [613]

623 [346] The meetings of the council of the "mouda^{c}," to which the name "jema^{c}t" is often given, are customarily held in the Friday mosque, which is the central institution, and perhaps this social group's reason for being. The turn for feeding the taleb -- a hired outsider who instructs the children in the reading of the Koran, drafts letters or legal documents, and furnishes amulets to cure illnesses -- maintenance of the house of prayer, systematic regulation of the hospitality owed to strangers who come to spend the night in the mosque usually built apart from the village, such are the little practical problems that the assembly must solve in the best interests of all. The "jema^{c}t" augments its activity by watching over the protection of the crops, fixing the successive periods of utilization of the forest of argan trees for pasture or the harvest of the berries; it also sets the time when one can begin the plowing or the harvesting of walnuts (1),

[212] [755] [358] [574] [185] [241] [245] [624]

[778] [787]

1. For magical reasons, it is often prohibited by the jema^{c}t to plow before a family that possesses "baraka" has found that circumstances are favorable for beginning the work. Cf. Laoust, Mots et Choses berbères /Berber Words and Things/, pp. 313-315. For other reasons, the harvest of walnuts or olives, which is done on trees belonging in common to a large number of owners, could be done only in the presence of the entire group, and it, too, is regulated by the council.

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623 and intervenes to regulate the use and repair of the séguias; fi-
[185] nally, it often designates minor functionaries remunerated by the
[241] /220/ community for the systematic regulation of irrigation:
[245] these are the ones that are called by the name of "amazzal," or
[624] again the "little inflas," or the "inflas of the water."

623 Sometimes it is the council of the "taqbilt" itself that inter-
627 venes in order to apply to those who act contrary to the crop
681 police the fines called "azzain n igran," fines of the fields. But
[625] most often each "jemaᶜt" of a "moudaᶜ" fixes these penalties as it likes and collects the fines for its profit without swerving from a traditional tariff known to all. Moreover, it is in this form of
[671] the "azzain n igran" that the customary law at the heart of the
[177] "moudaᶜ" persists longest, even when the progress of the penetra-
[632] tion of the Makhzen /makhzan/ has led to its disappearance in the country.

623 Thus, for reasons that are related to the conditions of mate-
184 rial life, the assembly of the "moudaᶜ" often assumes great local importance. Even in regions like that of the Haha, where the population is dispersed over the whole territory in isolated houses, the use of forest pastures, the execution of tasks in common by mutual assistance contribute toward maintaining the tradition of
623 the "jemaᶜt" councils. Meetings are held when necessary in the
[346] Friday mosque, which is sequestered, like all the houses in this
[361] country, on a solitary hill (1).

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1. It may happen that the organization of the "moudaᶜ" develops on the model of that of the "taqbilt" and that it is then directed by a moqaddem. This is the case in several small tribes of the Seksawa (the Ait Haddiyous in particular). This event occurs in a region where the "taqbilt," divided into three thirds, are stronger than elsewhere; one grasps here from life one of the phases of the appearance of new autonomous fractions being formed by simple growth of the "moudaᶜ." One also sees from

4: Hoffman E-4 (no date) 1967 MW11 Shluh MW11 (ca. 1900)

as the *'adat* or *'urf*, the distinction between these two words being somewhat confused. Customary law is consulted in all civil cases (such as disputes regarding terrain, water rights, inheritance, etc.), and in minor criminal matters – the customary law having been replaced by a French-sponsored penal code in most aspects of criminal law since the establishment of the Protectorate. This customary law is established and revised by the local representative councils of each region; it may be administered either by them or by a designated arbiter (*annezzarfou*), this arbiter being required to have a great knowledge of the local law, and to be an intelligent and experienced man highly regarded by all. If possible, he should be a stranger to the group involved, or else divorced from its mundane affairs by virtue of being a holy man (Johns Hopkins University, 1956, pp. 231-232; Loubignac, 1942, p. 281).

The most important aspects of the *azrif* are water rights and (formerly) penal crimes such as theft, abduction of women, adultery, wounds, blows, and murder. Water rights are still carefully regulated by the *'urf* or customary law of each group. Among the Beni Uriaguel (99), for example, the *qanuns* or edicts of customary law dealing with irrigation carefully take into account the nature of flow in different rivers. Thus, on the Lower Rhis, in the Plain of Alhucemas, where the flow is constant but not altogether sufficient, the *qanuns* state that any man who purchases land must buy his irrigation turn independently. In the case of the Nekor River which is extremely erratic, the *qanuns* provide that the purchaser of land is automatically entitled to irrigation water, because most of the year there is sufficient quantity for all. Throughout the Berber areas litigation regarding water rights is kept at a minimum through the existence of water administrators (known as *amazzal*, pl. *imazzalen*, among the Shluh) who distribute the irrigation water in accordance with the recognized rights (Hart, 1954, pp. 56-57).

In its application to criminal acts the Berber *azrif* was characterized by great dependence upon oaths and upon the imposition of fines. This first feature (oaths) was the principal reason for the Berber court usually meeting in a mosque or at a market with an associated shrine, for in all cases the litigants swear by something to give efficacy to their oaths, and this is generally something which has